

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

REAL VIEW, LLC,

Plaintiff,

v.

20-20 TECHNOLOGIES, INC.,

Defendant.

CIVIL ACTION NO. 07-12157

20-20 TECHNOLOGIES, INC.,

Counterclaim-Plaintiff,

v.

REAL VIEW, LLC,

Counterclaim-Defendant, and

BORIS ZELDIN and LEONID PERLOV,

Additional Party Defendants  
in Counterclaim.

**20-20 TECHNOLOGIES, INC.’S MOTION TO REOPEN DISCOVERY  
AND FOR LEAVE TO DESIGNATE AN EXPERT WITNESS TO TESTIFY ON THE  
VALUE OF USE DAMAGES**

20-20 Technologies, Inc. (“20-20”) respectfully requests the Court to reopen for **90 days** fact discovery on the issues related solely to the illegal download of 20-20 Design and the use of the illegally downloaded software in the development of Real View’s product, ProKitchen. 20-20 also asks the Court to allow it to designate a new expert, whose testimony will be limited to calculating the fair market value of an unlimited license to use 20-20 Design. Specifically, 20-20 requests the Court to permit the following:

1. Preparation of expert reports on the value of a hypothetical unlimited license to use 20-20 Design and on the causal link between the illegal download and 20-20’s price erosion damages.

2. Document production and Depositions of Counter-Defendants Boris Zeldin and Leonid

Perlov on the following issues:

- a. The circumstances surrounding the download of 20-20 Design from the eDonkey website;
- b. The circumstances surrounding the access and use of the 20-20 Design tutorial videos by the Counter-Defendants in connection with the development of ProKitchen; and
- c. The development of ProKitchen, including communications between the Counter-Defendants and the developers of ProKitchen located in Ukraine (including any written instructions, memoranda, and email communications).

Additional limited fact discovery and expert testimony comport with the interests of justice and fairness to all parties, are not overly burdensome, and will not protract litigation or make the new trial significantly more complex.

Respectfully submitted,

Dated: October 6, 2011

20-20 TECHNOLOGIES, INC.

By its attorneys,

/s/Lawrence R. Robins

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Pursuant to Rule 7.1(a)(2), I certify that counsel for 20-20 Technologies, Inc. and Real View LLC, Boris Zeldin, and Leonid Perlov have conferred regarding this motion and were unable to resolve or narrow the issues presented in this motion.

/s/ Lawrence R. Robins  
Lawrence R. Robins

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 6, 2011.

/s/ Lawrence R. Robins  
Lawrence R. Robins